

The Employment Law Firm  
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Attorney for Plaintiff

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LAWRENCE J. KANSKY,	:	
	:	JURY TRIAL DEMANDED
Plaintiff	:	
	:	
V.	:	
	:	DOCKET NO.: 20-42
LUZERNE COUNTY, et al.	:	
	:	
Defendants	:	

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**BRIEF IN SUPPORT OF MOTION TO STAY CASE PENDING  
DECISION ON MOTION TO WITHDRAW**

**BRIEF STATEMENT OF FACTS**

On June 15, 2020, Plaintiff's counsel moved to withdraw as counsel in this matter. On February 19, 2021, this Court denied the motion to withdraw as counsel without prejudice.

On February 4, 2021, a hearing was held on a Protection from Abuse (PFA) that was filed against Plaintiff's counsel by her husband, Attorney Anthony P. Trozzolillo in Lackawanna County Court of Common Pleas. Judge

Bertin denied Anthony P. Trozzolillo's PFA against Plaintiff's counsel. Nonetheless, the very next day, February 5, 2021, Attorney Anthony P. Trozzolillo had three (3) City of Scranton Police Officers file consecutive criminal, non-traffic citations against Plaintiff's counsel on the same facts. (See Exhibit "B").

A hearing will be held on April 22, 2021, before District Judge Terrance V. Gallagher, which if Plaintiff's counsel is found guilty, that will result in a criminal conviction. Plaintiff's counsel is required to report that criminal conviction to the Pennsylvania Disciplinary Board, and it may result in an immediate suspension of Plaintiff's counsel license to practice law.

### **QUESTION PRESENTED**

I. Whether this Court should grant a stay since Plaintiff's counsel is not getting paid according to the Fee Agreement between Plaintiff and Plaintiff's counsel, Plaintiff is a lawyer who represented himself pro se in a Civil Rights matter before this Court and Plaintiff is represented in the companion case by counsel?

Suggested Answer: In the Affirmative

## **DISCUSSION OF LAW**

"A district court may order a stay *sue sponte* if doing so will promote comity and judicial efficiency without prejudicing either party or causing undue delay." Johnson v. Lexington Ins. Co., 2008 U.S. Dist. LEXIS 130129, \*11 (W.D. Miss. 2008). "A court's power to protect a lawyer against unfairness by his client in the context of a motion to withdraw seems to be an inherent power necessary to effectuate orderly judicial proceedings." Rivera-Domenech v. Calvesbert Law Offices PSC, 402 F.3d 246, 250 (1st Cir. 2005).

Since it would be unfair to require Plaintiff's counsel to work without being compensated according to Plaintiff's Fee Agreement and fight off an anticipated 11,000 word Brief in Support of Defendants' Motion to Dismiss, this Court should stay this matter until it resolves the pending Motion to Withdraw as counsel. A stay would not prejudice any party.

## **CONCLUSION**

For the foregoing reasons, Plaintiff requests that this Court grant his Motion to Stay.

Respectfully Submitted:

s/Cynthia L. Pollick  
Cynthia L. Pollick, Esquire, LLM

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**CERTIFICATE OF SERVICE**

Cynthia L. Pollick, Esquire, hereby certifies that on April 15, 2021, she served a copy of Plaintiff's Brief in Support of Plaintiff's Motion to Stay by serving a copy via electronically on Defendants' counsel:

Sean P. McDonough, Esquire  
Dougherty Leventhal & Price LLP  
75 Glenmaura National Boulevard  
Moosic PA 18507

Respectfully Submitted:

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